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THEORETICAL FOUNDATIONS OF CRIMINAL LAW

Description

Perhaps more than any other legal area, criminal law raises fundamental theoretical issues that have occupied philosophers over the years. This is not surprising in light of the obvious proximity between the enterprise of using state coercion to punish the guilty on the one hand and central concerns of moral and political philosophy on the other. In the course, we'll bring to bear such philosophical perspectives on important aspects of criminal law.

List of Topics

What to punish: utilitarian and Kantian perspectives
Justifications of punishment
Capital punishment
The harm principle and its limits
Legal paternalism
Criminal defenses: justification and excuse
Purposes of criminal law
The principle of legality

Readings

Reading materials will be posted on bCourses or distributed in class. I'll assign them in class as we move along.

Requirements

There will be an in-class midterm and a take-home final. In addition, students may be asked to prepare some short written reports and make presentations in section. Students will be expected to attend **all** the meetings of the class and their section, and to actively participate in the discussions.

Grading

Midterm 30%
Class and section participation 30%
Final 40%